

**Minutes of the Zoning Board of Appeals
September 12, 2007**

**Hearing: #06-13
Continuance**

Present: David Perry – Chairman, Joseph Daigle, Terry Girouard, Cheryl Anderson,
Donna Brooks, David Maxson, Consultant

Absent: Gil Carriero

Boards: 2 from Planning, 2 from Police Dept., 1 from Fire Dept., Town Counsel

1. David asks Town Counsel if Nextel attorneys are scheduled to appear this evening.
 - a. States that she had e-mailed them and told them she had the lease agreements and would have them with her.
2. Donna calls Nextel office to inquire about their attorney.
 - a. Told he was en route.
3. Nextel's representative arrives at 7:46 pm.
4. David opens continuance at 7:49 pm and introduces Board.
5. David requests information asked for at last meeting from Nextel.
6. Nextel representative enters sworn affidavit concerning minimum height #1 of 6 sheets.
 - a. States Nextel (as of this date) has no search rings in the town of Ashburnham.
 1. When asked for five year plan.
7. Town Counsel requests Nextel's representative for negative 5 year plan statement in writing.
 - a. States he will provide same.
8. David asks for Town Counsel and Board's Consultant present during deliberation.
 - a. Town Counsel states Board may have them present.
9. David asks Town Counsel if she will write decision.
 - a. States she will.
10. Nextel representative suggests "Brown Stick" construction instead of flag pole construction.
11. Town Counsel enters lease agreement copy information, record #2 of 6 sheets.

12. Written comments from Mr. Scott Bingham entered into record #3 of 6 sheets.
 - a. Requests 150 foot mono-pine.
 - b. Attorney Sousa feels it would be more intrusive to view.
13. Letter from Town Planner entered into record #4 of 6 sheets.
 - a. Attorney Sousa addresses letter.
 - b. Discussion on new plan per Planner's letter.
14. Board's Consultant addresses pole construction and color.
 - a. Brown – State park look
 - b. Gray – If right shade, should disappear.
 - c. White – Looks pleasant/architectural.
 - d. Don't try to hide it – it will make it worse.
 - e. Suggests – Not a flag pole look.
 1. Flag must be maintained and lit.
 - f. Mono-pine would not work because horizon in that area is basically flat and limbs might fall off at approximately 70 lbs. each.
15. Board's Consultant asks Attorney Sousa about Sprint's possible addition to pole.
 - a. Attorney Sousa states if interior pole approved, two spots will be used. If exterior pole was approved, Sprint and Nextel will be on one spot.
16. Donna asks questions about Town's equipment and installation.
 - a. Captain Nolan says no agreement has been reached yet for installation.
17. Town Counsel explains any new carrier (if any) to use pole, will need to come before the Board except "Sprint" being a "Nextel" affiliate. Nextel will install Town's supplied equipment.
18. David asks Captain Nolan if old tower is coming down if new tower is allowed.
 - a. Yes
 - b. Captain Nolan states the Town would spend less repair money in the future if the tower had external equipment.
19. Board's Consultant states poles are no longer climbed. Cranes must be employed for changes and repairs.
20. Boards' Consultant warns not to confuse bylaw and lease agreement.
 - a. Discussion 5.5.7 of bylaw.
21. Town Counsel states Sprint would need to show Board need before occupying pole space.
22. Board's Consultant warns Board of lost space on interior pole application.

23. Captain Nolan supports exterior pole and against mono-pine construction and states reasons.
24. Attorney Sousa speaks for Nextel and not Sprint, but would agree to use only one spot (with 12 antennas) at #1 spot if exterior, top 2 spots (with 6 antennas each) if interior.
 - a. If 150 foot pole would have five spots with Nextel at #1 spot and Town on top.
25. Cheryl asks for letter from Fire Chief to be entered into record #6 of 6 report from Board's Consultant to be entered into record #5 of 6 sheets.
26. Fire Department requests the following:
 - a. Keep concrete building and side it.
 - b. Be involved in building design.
 - c. Wants additional concrete pad for emergency generator.
 - d. Wireless fire alarm for security boxes.
27. Cheryl asks about barbed wire or stockade fence.
 - a. Captain Nolan suggests chain link with a barbed wire.
28. Police and Fire Departments request 150 foot exterior pole.
29. David asks if Board has any more questions.
30. Terry asks for Nextel to improve buildings.
 - a. Attorney Sousa thinks that might be too much.
31. Planning Board supports 150 foot pole.
32. David asks all present for last minute questions.
33. David asks Town Counsel if Board could approve pole and add conditions later.
 - a. Dangerous ground.
34. Cheryl does not like the idea.
35. Attorney Sousa states he would help with a draft decision and requests Board to close hearing.
36. Terry makes motion to close hearing.
Cheryl seconds.
Vote – Unanimous

37. Donna makes motion to approve a 150 foot monopole with exterior rack with Nextel to submit findings within two weeks for ZBA to consider the conditions which shall be put on the tower.

Terry seconds.

Discussion: Cheryl, Terry, David

Vote: For: Donna, Terry

Against: David, Joe, Cheryl

38. Donna makes motion to deliberate at a future date with presence of Town Counsel, Board's Consultant, and appellant. The appellant to provide a draft finding and draft decision within two weeks.

Terry seconds.

Vote – Unanimous

39. Deliberation to be held on October 10, 2007 at 7:30 pm – “Please Post”.

40. Motion to adjourn: Donna

Terry seconds.

Vote – Unanimous

41. Adjourned at 9:45 pm.

Respectfully submitted by Joseph Daigle, Clerk